

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--------------------------|---|----------------------|
| UNITED STATES |) | |
| |) | M.J. No. 20-4328-DHH |
| v. |) | |
| |) | |
| JUAN ALBERTO ROSA-MARTE, |) | |
| |) | |
| Defendant. |) | |

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert R. LeFebre, being duly sworn, depose and state as follows:

1. I am employed as a detective with the Lawrence Police Department, where I have worked since 1999. I have been a detective since 2004. From July 2010 until November 2020, I was assigned as a Task Force Officer to the Drug Enforcement Administration (“DEA”), and in particular to Task Force 4 – Cross Borders Initiative, which is a task force incorporating federal, state, and local law enforcement officers. I am a graduate of the Lowell Police Academy.

2. I have received training regarding narcotics investigations while attending the police academy and have attended additional specialized training courses in furtherance of my past and current assignments, including the Basic Narcotic Investigation course conducted and presented by the DEA training staff.

3. I have participated in all aspects of drug investigations, including physical surveillance, surveillance of undercover transactions, the introduction of undercover agents, the execution of search warrants, the effecting of arrests, debriefings of defendants, informants and witnesses who had personal knowledge regarding major narcotics trafficking organizations, and the court-authorized interception of communications. I have also reviewed taped conversations and telephone, financial, and drug records. Through my training and experience, I have become

familiar with the manner in which illegal drugs are imported, transported, stored, and distributed, and the methods of payment for such drugs.

4. I submit this affidavit in support of a Criminal Complaint charging Juan Alberto ROSA-MARTE with violating Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii) (possession with intent to distribute 500 grams or more of cocaine).

5. I am familiar with the facts and circumstances of this investigation from my own personal participation and from oral and written reports made to me by agents of HSI and other federal, state, and local law enforcement agencies. I have also reviewed information from a variety of additional sources, including court authorized interception of wire and electronic communications.

6. This affidavit is submitted for the limited purpose of establishing probable cause to believe that ROSA-MARTE has committed the above offense. Accordingly, I have not included each and every fact known to me and other law enforcement officers involved in this investigation. I have set forth only the facts that I believe are needed to establish the requisite probable cause.

7. In approximately November 2020, agents received information from a confidential source (hereinafter, the "CS") that ROSA-MARTE, who was identified via nickname and photograph, was a cocaine distributor who resided in New York. The CS is cooperating with law enforcement in the hopes of receiving consideration related to a pending drug charge. The CS has a criminal history that includes arrests but not convictions for drug charges. Information provided by the CS has been corroborated by law enforcement and is believed to be reliable.

8. During the week of November 16, 2020, ROSA-MARTE offered the CS kilograms of cocaine for \$45,000 each. On December 1, 2020, the CS, acting at the direction of law enforcement, attempted to contact ROSA-MARTE at telephone number (929) 307-7619 to arrange to purchase three kilograms of cocaine. ROSA-MARTE did not answer the telephone. Later that day, the CS received a call from ROSA-MARTE. The call was recorded. During the call, ROSA-MARTE agreed to sell the CS three kilograms of cocaine for \$45,000 each on December 3, 2020.

9. On December 2, 2020, the CS and ROSA-MARTE spoke over the phone several times and during recorded calls agreed that ROSA-MARTE would travel to Lawrence, Massachusetts, on December 3, 2020, to deliver three kilograms of cocaine to the CS. On December 3, 2020, ROSA-MARTE updated the CS as to his whereabouts as he traveled to Massachusetts. The CS agreed to pick up ROSA-MARTE at the Kentucky Fried Chicken on South Union Street in Lawrence, Massachusetts. These phone calls on December 3, 2020, were not recorded.

10. On December 3, 2020, agents met with the CS and searched the CS and the CS's vehicle for currency or contraband with negative results. The CS then went to the Kentucky Fried Chicken on South Union Street in Lawrence.

11. At approximately 12:55 p.m., agents conducting surveillance of the Kentucky Fried Chicken on South Union Street in Lawrence observed a black Mercedes transportation van arrive in the parking lot of the Stadium Plaza in Lawrence, Massachusetts, which is where the Kentucky Fried Chicken is located. Agents observed the CS exit the CS's vehicle, stand in the parking lot and wave. Agents then observed ROSA-MARTE approach the CS carrying a blue suitcase and a black satchel. ROSA-MARTE and the CS then entered the CS's vehicle. The CS

drove to a T-Mobile store in the same shopping center and parked outside. The CS exited the CS's vehicle and signaled to surveillance officers that ROSA-MARTE was in possession of the drugs. The CS then entered the T-Mobile store. ROSA-MARTE exited the CS's vehicle and stood beside the car.

12. At that time, agents approached ROSA-MARTE and secured him. I then retrieved the blue suitcase that ROSA-MARTE had been carrying earlier from the back seat of the CS's vehicle. Inside the blue suitcase, underneath clothes, I located a brown paper shopping bag. Inside the brown paper shopping bag, I located a black plastic bag containing two white plastic bags. Each white plastic bag contained a clear Ziploc-style bag containing a white powdery substance.

13. ROSA-MARTE was arrested. Agents seized a cellular telephone from ROSA-MARTE. Agents dialed telephone number (929) 307-7619. The cellular telephone seized from ROSA-MARTE rang with the calling agent's number.

14. The white powdery substance field tested positive using a TruNarc device for cocaine. Based on my training and experience, I believe that each Ziploc-style bag contains approximately one kilogram of cocaine.

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Conclusion

15. Based upon the foregoing, there is probable cause to believe that on December 3, 2020, Juan Alberto ROSA-MARTE did possess with intent to distribute 500 grams or more of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii).

Robert R. LeFebvre 12/3/20

Robert R. LeFebvre

Detective

Lawrence Police Department

Sworn to by telephone in accordance with Fed. R. Crim. Pr. 4.1 on December 3, 2020,

4:24 p.m.

David H. Hennessy
HON. DAVID H. HENNESSY
United States Magistrate Judge
District of Massachusetts

